

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK----- X
ALIRIO ZAVALA, et al.

Plaintiffs,

-v-

TOP SHELF ELECTRIC CORP, et al.,

Defendants.
----- X

20 Civ. 9437 (PAE)(GWG)

ORDER

PAUL A. ENGELMAYER, District Judge:

On February 2, 2023, the parties submitted a proposed settlement agreement and a letter in support in this Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”) action. Dkt. 126. Under the Agreement, defendants agree to pay \$33,648.53 to plaintiffs, and \$16,351.47 in attorneys’ fees and costs to plaintiffs’ attorneys, Kakalec Law PLLC. The Agreement therefore allocates one third of the settlement amount, net of costs, to plaintiff’s counsel as attorneys’ fees. On February 3, 2023 the Court informed the parties that, although the Court would be prepared to approve the overall settlement sum as substantively reasonable, the release clause in the proposed agreement was overbroad because it reached claims “including but not limited to, any and all claims” asserted in this case. Dkt. 127. On February 21, 2023, the parties submitted a revised proposed settlement agreement and a letter in support. Dkt. 128 (“Agreement”).

The release clause, as revised, is explicitly limited to “those claims raised in the Action.” Agreement at 12. In light of this revision, and upon careful review of the Agreement, the Court is satisfied that the Agreement was achieved through procedurally fair means and is fair and reasonable such that it satisfies the standard set forth in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199

(2d Cir. 2015); *see, e.g., Cortes v. New Creators, Inc.*, No. 15 Civ. 5680 (PAE), 2016 WL 3455383, at *4 (S.D.N.Y. June 20, 2016) (approving revised agreement after parties “narrowed the scope of the Agreement’s release provision to limit the release of claims against defendants . . . to the claims asserted in this action”).

Accordingly, the Court approves the Agreement. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: February 22, 2023
New York, New York